

ASSEMBLY BILL

No. 1743

**Introduced by Committee on Environmental Safety and Toxic
Materials (Huffman (Chair), Smyth (Vice Chair), Eng, Evans,
Feuer, Jeffries, and Nava)**

March 22, 2007

An act to amend Section 13050 of, and to repeal Section 13051 of,
the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1743, as introduced, Committee on Environmental Safety and
Toxic Materials. Porter-Cologne Water Quality Control Act: definitions.

Existing law, the Porter-Cologne Water Quality Control Act,
establishes a statewide program for the control of the quality of all the
waters in the state. For purposes of the act, existing law establishes the
meanings of various terms.

This bill would make technical, nonsubstantive changes to the
provisions of law that define those terms as used in the act.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 13050 of the Water Code is amended to
- 2 read:
- 3 13050. As used in this division:
- 4 (a) ~~“State board” means the State Water Resources Control~~
- 5 ~~Board.~~

1 ~~(b) “Regional board” means any California regional water~~
2 ~~quality control board for a region as specified in Section 13200.~~

3 ~~(c) “Person” includes any city, county, district, the state, and~~
4 ~~the United States, to the extent authorized by federal law.~~

5 ~~(d) “Waste” includes sewage and any and all other waste~~
6 ~~substances, liquid, solid, gaseous, or radioactive, associated with~~
7 ~~human habitation, or of human or animal origin, or from any~~
8 ~~producing, manufacturing, or processing operation, including waste~~
9 ~~placed within containers of whatever nature prior to, and for~~
10 ~~purposes of, disposal.~~

11 ~~(e) “Waters of the state” means any surface water or~~
12 ~~groundwater, including saline waters, within the boundaries of the~~
13 ~~state.~~

14 ~~(f) “Beneficial uses” of the waters of the state that may be~~
15 ~~protected against quality degradation include, but are not limited~~
16 ~~to, domestic, municipal, agricultural and industrial supply; power~~
17 ~~generation; recreation; aesthetic enjoyment; navigation; and~~
18 ~~preservation and enhancement of fish, wildlife, and other aquatic~~
19 ~~resources or preserves.~~

20 ~~(g) “Quality of the water” refers to chemical, physical,~~
21 ~~biological, bacteriological, radiological, and other properties and~~
22 ~~characteristics of water which affect its use.~~

23 ~~(h) “Water quality objectives” means the limits or levels of~~
24 ~~water quality constituents or characteristics which are established~~
25 ~~for the reasonable protection of beneficial uses of water or the~~
26 ~~prevention of nuisance within a specific area.~~

27 ~~(i) “Water quality control” means the regulation of any activity~~
28 ~~or factor which may affect the quality of the waters of the state~~
29 ~~and includes the prevention and correction of water pollution and~~
30 ~~nuisance.~~

31 ~~(j) “Water quality control plan” consists of a designation or~~
32 ~~establishment for the waters within a specified area of all of the~~
33 ~~following:~~

34 ~~(1) Beneficial uses to be protected.~~

35 ~~(2) Water quality objectives.~~

36 ~~(3) A program of implementation needed for achieving water~~
37 ~~quality objectives.~~

38 ~~(k) “Contamination” means an impairment of the quality of the~~
39 ~~waters of the state by waste to a degree which creates a hazard to~~
40 ~~the public health through poisoning or through the spread of~~

1 disease. “Contamination” includes any equivalent effect resulting
2 from the disposal of waste, whether or not waters of the state are
3 affected.

4 (l) (1) “Pollution” means an alteration of the quality of the
5 waters of the state by waste to a degree which unreasonably affects
6 either of the following:

7 (A) The waters for beneficial uses.

8 (B) Facilities which serve these beneficial uses.

9 (2) “Pollution” may include “contamination.”

10 (m) “Nuisance” means anything which meets all of the following
11 requirements:

12 (1) Is injurious to health, or is indecent or offensive to the senses,
13 or an obstruction to the free use of property, so as to interfere with
14 the comfortable enjoyment of life or property.

15 (2) Affects at the same time an entire community or
16 neighborhood, or any considerable number of persons, although
17 the extent of the annoyance or damage inflicted upon individuals
18 may be unequal.

19 (3) Occurs during, or as a result of, the treatment or disposal of
20 wastes.

21 (n) “Recycled water” means water which, as a result of treatment
22 of waste, is suitable for a direct beneficial use or a controlled use
23 that would not otherwise occur and is therefor considered a
24 valuable resource.

25 (o) “Citizen or domiciliary” of the state includes a foreign
26 corporation having substantial business contacts in the state or
27 which is subject to service of process in this state.

28 (p) (1) “Hazardous substance” means either of the following:

29 (A) For discharge to surface waters, any substance determined
30 to be a hazardous substance pursuant to Section 311(b)(2) of the
31 Federal Water Pollution Control Act (33 U.S.C. Sec. 1251 et seq.).

32 (B) For discharge to groundwater, any substance listed as a
33 hazardous waste or hazardous material pursuant to Section 25140
34 of the Health and Safety Code, without regard to whether the
35 substance is intended to be used, reused, or discarded, except that
36 “hazardous substance” does not include any substance excluded
37 from Section 311(b)(2) of the Federal Water Pollution Control Act
38 because it is within the scope of Section 311(a)(1) of that act.

39 (2) “Hazardous substance” does not include any of the
40 following:

1 ~~(A) Nontoxic, nonflammable, and noncorrosive stormwater~~
2 ~~runoff drained from underground vaults, chambers, or manholes~~
3 ~~into gutters or storm sewers.~~

4 ~~(B) Any pesticide which is applied for agricultural purposes or~~
5 ~~is applied in accordance with a cooperative agreement authorized~~
6 ~~by Section 116180 of the Health and Safety Code, and is not~~
7 ~~discharged accidentally or for purposes of disposal, the application~~
8 ~~of which is in compliance with all applicable state and federal laws~~
9 ~~and regulations.~~

10 ~~(C) Any discharge to surface water of a quantity less than a~~
11 ~~reportable quantity as determined by regulations issued pursuant~~
12 ~~to Section 311(b)(4) of the Federal Water Pollution Control Act.~~

13 ~~(D) Any discharge to land which results, or probably will result,~~
14 ~~in a discharge to groundwater if the amount of the discharge to~~
15 ~~land is less than a reportable quantity, as determined by regulations~~
16 ~~adopted pursuant to Section 13271, for substances listed as~~
17 ~~hazardous pursuant to Section 25140 of the Health and Safety~~
18 ~~Code. No discharge shall be deemed a discharge of a reportable~~
19 ~~quantity until regulations set a reportable quantity for the substance~~
20 ~~discharged.~~

21 ~~(q) (1) "Mining waste" means all solid, semisolid, and liquid~~
22 ~~waste materials from the extraction, beneficiation, and processing~~
23 ~~of ores and minerals. Mining waste includes, but is not limited to,~~
24 ~~soil, waste rock, and overburden, as defined in Section 2732 of~~
25 ~~the Public Resources Code, and tailings, slag, and other processed~~
26 ~~waste materials, including cementitious materials that are managed~~
27 ~~at the cement manufacturing facility where the materials were~~
28 ~~generated.~~

29 ~~(2) For the purposes of this subdivision, "cementitious material"~~
30 ~~means cement, cement kiln dust, clinker, and clinker dust.~~

31 ~~(r) "Master recycling permit" means a permit issued to a supplier~~
32 ~~or a distributor, or both, of recycled water, that includes waste~~
33 ~~discharge requirements prescribed pursuant to Section 13263 and~~
34 ~~water recycling requirements prescribed pursuant to Section~~
35 ~~13523.1.~~

36 ~~(a) "Beneficial uses" of the waters of the state that may be~~
37 ~~protected against quality degradation include, but are not limited~~
38 ~~to, domestic, municipal, agricultural and industrial supply; power~~
39 ~~generation; recreation; aesthetic enjoyment; navigation; and~~

1 *preservation and enhancement of fish, wildlife, and other aquatic*
2 *resources or preserves.*

3 *(b) "Citizen or domiciliary" of the state includes a foreign*
4 *corporation having substantial business contacts in the state or*
5 *which is subject to service of process in this state.*

6 *(c) "Contamination" means an impairment of the quality of the*
7 *waters of the state by waste to a degree which creates a hazard to*
8 *the public health through poisoning or through the spread of*
9 *disease. "Contamination" includes any equivalent effect resulting*
10 *from the disposal of waste, whether or not waters of the state are*
11 *affected.*

12 *(d) (1) "Hazardous substance" means either of the following:*

13 *(A) For discharge to surface waters, any substance determined*
14 *to be a hazardous substance pursuant to Section 311(b)(2) of the*
15 *Federal Water Pollution Control Act (33 U.S.C. Sec. 1251 et seq.).*

16 *(B) For discharge to groundwater, any substance listed as a*
17 *hazardous waste or hazardous material pursuant to Section 25140*
18 *of the Health and Safety Code, without regard to whether the*
19 *substance is intended to be used, reused, or discarded, except that*
20 *"hazardous substance" does not include any substance excluded*
21 *from Section 311(b)(2) of the Federal Water Pollution Control*
22 *Act because it is within the scope of Section 311(a)(1) of that act.*

23 *(2) "Hazardous substance" does not include any of the*
24 *following:*

25 *(A) Nontoxic, nonflammable, and noncorrosive stormwater*
26 *runoff drained from underground vaults, chambers, or manholes*
27 *into gutters or storm sewers.*

28 *(B) Any pesticide which is applied for agricultural purposes or*
29 *is applied in accordance with a cooperative agreement authorized*
30 *by Section 116180 of the Health and Safety Code, and is not*
31 *discharged accidentally or for purposes of disposal, the application*
32 *of which is in compliance with all applicable state and federal*
33 *laws and regulations.*

34 *(C) Any discharge to surface water of a quantity less than a*
35 *reportable quantity as determined by regulations issued pursuant*
36 *to Section 311(b)(4) of the Federal Water Pollution Control Act.*

37 *(D) Any discharge to land which results, or probably will result,*
38 *in a discharge to groundwater if the amount of the discharge to*
39 *land is less than a reportable quantity, as determined by*
40 *regulations adopted pursuant to Section 13271, for substances*

1 *listed as hazardous pursuant to Section 25140 of the Health and*
2 *Safety Code. No discharge shall be deemed a discharge of a*
3 *reportable quantity until regulations set a reportable quantity for*
4 *the substance discharged.*

5 (e) *“Injection well” means any bored, drilled, or driven shaft,*
6 *dug pit, or hole in the ground into which waste or fluid is*
7 *discharged, and any associated subsurface appurtenances, and*
8 *the depth of which is greater than the circumference of the shaft,*
9 *pit, or hole.*

10 (f) *“Master recycling permit” means a permit issued to a*
11 *supplier or a distributor, or both, of recycled water, that includes*
12 *waste discharge requirements prescribed pursuant to Section*
13 *13263 and water recycling requirements prescribed pursuant to*
14 *Section 13523.1.*

15 (g) (1) *“Mining waste” means all solid, semisolid, and liquid*
16 *waste materials from the extraction, beneficiation, and processing*
17 *of ores and minerals. Mining waste includes, but is not limited to,*
18 *soil, waste rock, and overburden, as defined in Section 2732 of*
19 *the Public Resources Code, and tailings, slag, and other processed*
20 *waste materials, including cementitious materials that are managed*
21 *at the cement manufacturing facility where the materials were*
22 *generated.*

23 (2) *For the purposes of this subdivision, “cementitious material”*
24 *means cement, cement kiln dust, clinker, and clinker dust.*

25 (h) *“Nuisance” means anything which meets all of the following*
26 *requirements:*

27 (1) *Is injurious to health, or is indecent or offensive to the*
28 *senses, or an obstruction to the free use of property, so as to*
29 *interfere with the comfortable enjoyment of life or property.*

30 (2) *Affects at the same time an entire community or*
31 *neighborhood, or any considerable number of persons, although*
32 *the extent of the annoyance or damage inflicted upon individuals*
33 *may be unequal.*

34 (3) *Occurs during, or as a result of, the treatment or disposal*
35 *of wastes.*

36 (i) *“Person” includes any city, county, district, the state, and*
37 *the United States, to the extent authorized by federal law.*

38 (j) (1) *“Pollution” means an alteration of the quality of the*
39 *waters of the state by waste to a degree which unreasonably affects*
40 *either of the following:*

1 (A) *The waters for beneficial uses.*

2 (B) *Facilities which serve these beneficial uses.*

3 (2) *“Pollution” may include “contamination.”*

4 (k) *“Quality of the water” refers to chemical, physical,*
5 *biological, bacteriological, radiological, and other properties and*
6 *characteristics of water which affect its use.*

7 (l) *“Recycled water” means water which, as a result of*
8 *treatment of waste, is suitable for a direct beneficial use or a*
9 *controlled use that would not otherwise occur and is therefor*
10 *considered a valuable resource.*

11 (m) *“Regional board” means any California regional water*
12 *quality control board for a region as specified in Section 13200.*

13 (n) *“State board” means the State Water Resources Control*
14 *Board.*

15 (o) *“Waste” includes sewage and any and all other waste*
16 *substances, liquid, solid, gaseous, or radioactive, associated with*
17 *human habitation, or of human or animal origin, or from any*
18 *producing, manufacturing, or processing operation, including*
19 *waste placed within containers of whatever nature prior to, and*
20 *for purposes of, disposal.*

21 (p) *“Water quality control” means the regulation of any activity*
22 *or factor which may affect the quality of the waters of the state*
23 *and includes the prevention and correction of water pollution and*
24 *nuisance.*

25 (q) *“Water quality control plan” consists of a designation or*
26 *establishment for the waters within a specified area of all of the*
27 *following:*

28 (1) *Beneficial uses to be protected.*

29 (2) *Water quality objectives.*

30 (3) *A program of implementation needed for achieving water*
31 *quality objectives.*

32 (r) *“Water quality objectives” means the limits or levels of*
33 *water quality constituents or characteristics which are established*
34 *for the reasonable protection of beneficial uses of water or the*
35 *prevention of nuisance within a specific area.*

36 (s) *“Waters of the state” means any surface water or*
37 *groundwater, including saline waters, within the boundaries of*
38 *the state.*

39 SEC. 2. Section 13051 of the Water Code is repealed.

1 ~~13051. As used in this division, “injection well” means any~~
2 ~~bored, drilled, or driven shaft, dug pit, or hole in the ground into~~
3 ~~which waste or fluid is discharged, and any associated subsurface~~
4 ~~appurtenances, and the depth of which is greater than the~~
5 ~~circumference of the shaft, pit, or hole.~~

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